UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAVID B. NEWMAN and IRA F/B/O DAVID NEWMAN- PERSHING LLC as Custodian, on behalf of themselves and all Others Similarly Situated, and Derivatively on behalf of FM LOW VOLATILITY FUND, L.P.,	
Plaintiffs,	1:08-cv-11215 (LBS)
v.	ECF Case
FAMILY MANAGEMENT CORPORATION; SEYMOUR W. ZISES; ANDREA L. TESSLER; ANDOVER ASSOCIATES LLC I; ANDOVER ASSOCIATES MANAGEMENT CORP.; BEACON ASSOCIATES LLC I; BEACON ASSOCIATES MANAGEMENT CORP.; JOEL DANZIGER, HARRIS MARKHOFF; IVY ASSET MANAGEMENT CORP.; THE BANK OF NEW YORK MELLON CORPORATION; MAXAM ABSOLUTE RETURN FUND, LP; MAXAM CAPITAL MANAGEMENT LLC; MAXAM CAPITAL GP, LLC; MAXAM CAPITAL MANAGEMENT LIMITED; SANDRA MANZKE; and JOHN DOES 1-100,	
Defendants,	**CERTIFICATE OF SERVICE**
and FM LOW VOLATILITY FUND, L.P.,	
Nominal Defendant.	

I, Carrie A. Tendler, hereby certify that on January 28, 2011, I caused the following documents to be electronically filed:

SUR-REPLY MEMORANDUM OF LAW IN FURTHER SUPPORT OF MAXAM CAPITAL MANAGEMENT LLC, MAXAM CAPITAL GP LLC, MAXAM CAPITAL MANAGEMENT LIMITED, AND SANDRA MANZKE'S OPPOSITION TO

PLAINTIFFS' MOTION TO ALTER OR AMEND THE JUDGMENT AND TO AMEND THE COMPLAINT

with the Clerk of Court using the CM/ECF system, which will send notification of such filing electronically to registered counsel. Pursuant to that notification, a true and exact copy of the foregoing will also be mailed by Federal Express overnight delivery to any party or counsel not receiving electronic service from CM/ECF.

Dated: New York, New York
January 28, 2011

Respectfully submitted,

KOBRE & KIM LLP

s/ Carrie A. Tendler

Carrie A. Tendler
(carrie.tendler@kobrekim.com)
800 Third Avenue
New York, New York 10022
Telephone: +1 212 488 1200
Facsimile: +1 212 488 1220

Attorneys for MAXAM Capital Management LLC, MAXAM Capital GP LLC, MAXAM Capital Management Limited and Sandra Manzke

To: All Counsel of Record